

Fiscal Services Division

Legislative Services Agency

Fiscal Note

HF 2676 - Juvenile Court Records (LSB 6286 HV)

Analyst: Lisa Burk (Phone: [515] 281-7942) (lisa.burk@legis.state.ia.us)

Fiscal Note Version – New

Description

House File 2676 prohibits juvenile court records from being available to the public via the Internet unless the child is adjudicated delinquent. In addition, the Bill permits juvenile delinquency records to be kept confidential prior to the records being sealed if the case against the juvenile was dismissed and an adjudication of delinquency was never entered. Confidential records, however, remain available to court personnel, attorneys of record, the child and the child's parent, and any agency with custody of the child.

The Bill also changes the time period when the delinquency record of a juvenile can be sealed, specifying that records may be sealed if the juvenile is age 18 and two years have elapsed since the last official action in the case. In addition, the Bill permits the sealing of juvenile delinquency records if the individual is under age 18 and the individual has not subsequently committed another criminal offense greater than a simple misdemeanor, and, if applicable, has successfully completed any youthful offender placement, and the court finds sealing the records is in the best interest of the juvenile and the public.

Background

Under current law, juvenile records are posted on the Internet regardless of whether or not the case resulted in a delinquency adjudication unless the records have been sealed. Child in Need of Assistance (CINA) records are not posted on the Internet. Current law does not make juvenile delinquency records confidential unless the records have been sealed, and current law also requires that two years elapse since the last official action in the juvenile's case if there was no adjudication and disposition.

Assumptions

1. The Bill applies to both existing and future juvenile records; therefore, the current system will have to be cleared of existing juvenile records that did not result in a delinquency adjudication, or the records will have to be concealed from public view.
2. It will not be possible to develop consistent data entry parameters to clear the system of these existing juvenile records; therefore, clerks will have to review the paper file in every delinquency case posted electronically in order to determine if the case resulted in an adjudication of delinquency.
3. There are an estimated 60,000 delinquency cases available electronically that will take 10-15 minutes to review per case at a cost of 0.29 cents per minute, which will be a one-time cost.
4. The only juvenile cases that can be available on any official public information database in an electronic format are cases in which a child has been adjudicated delinquent, which will require reproducing the docket in paper form. The cost for this will range from \$100,000 to \$150,000 for docket books for all counties. The on-going cost for this will be minimal after the first year.

Fiscal Impact

The estimated cost of HF 2676 is an increase in State General Fund expenditures ranging from \$274,000 to \$411,000 for the Judicial Branch in FY 2007.

Source

Judicial Branch

/s/ Holly M. Lyons

March 14, 2006

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.
